

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 12, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-12631 - APPLICANT: MPOWER/KRISTIN L. WILLIAMS - OWNER: IRVINGTON PROPERTIES, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 7, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (4-2-1 vote) and staff recommend DENIAL. If approved, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Massage Establishment use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Trash receptacles on the site shall be enclosed within a structure that meets current Title 19 standards.
4. A minimum of four handicap accessible spaces shall be provided on the site.
5. Graffiti shall be removed from all structures on the subject property, including walls.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

The applicant is requesting a Special Use Permit for a Massage Establishment and a waiver of the 200 foot distance separation requirement from a residential use at 1215 South Las Vegas Boulevard.

EXECUTIVE SUMMARY

This request is not supported on the grounds that it violates the distance separation required from residential properties and adequate facilities for the purpose of massage are not provided. The massage room is located in a separate building from the existing spa area, surrounded by uses of a non-similar nature (meeting rooms, offices, a restaurant, etc.). Additionally, access to the MPower office and massage facility requires that guests/clients either walk outside of the hotel or through the main lobby. Furthermore, adequate changing facilities are not located within the area designated for massage.

BACKGROUND INFORMATION

A) Related Actions

- 05/24/99 The City Council denied a request for a Rezoning (Z-0019-99) on the southeast corner of S. Las Vegas Boulevard and Park Paseo, from C-1 (Limited Commercial) and C-2 (General Commercial) zones to C-2 (General Commercial) zone; proposed use: a tourist oriented development. The Planning Commission also recommended denial.
- 05/11/06 The Planning Commission voted (4-2-1) to recommend DENIAL (PC Agenda Item #38/stf).

B) Pre-Application Meeting

- 03/14/06 A pre-application meeting with the applicant was held and the following items were discussed:
- Staff informed the applicant of the requirements for Massage Establishments and the development standards per Title 19 and the Downtown Centennial Plan.
 - Staff informed the applicant of the submittal requirements for a Special Use Permit.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 1.7

B) Existing Land Use

Subject Property: Tourist Commercial
North: Tourist Commercial
South: Service Commercial
East: Single Family
West: Sexually Oriented Business; Retail

C) Planned Land Use

Subject Property: C (Downtown – Commercial)
North: C (Downtown – Commercial)
South: C (Downtown – Commercial)
East: L (Low Density Residential)
West: C (Downtown – Commercial)

D) Existing Zoning

Subject Property: C-2 (General Commercial); C-1 (Limited Commercial)
North: C-2 (General Commercial); C-1 (Limited Commercial)
South: C-2 (General Commercial)
East: R-1 (Single Family Residential)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject site is located in the Downtown Land Use plan area of the General Plan and is designated as C (Downtown – Commercial). This designation allows for all uses normally allowed in the O (Office), SC (Service Commercial), and GC (General Commercial) land use categories. The underlying zonings of C-2 (General Commercial) and C-1 (Limited Commercial) are compatible with the land use designations.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Downtown Centennial Plan	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Downtown Centennial Plan

The subject site is located in the Downtown Centennial Plan area. As the building in which the use will located currently exists, the standards in the plan will not apply to the request.

Redevelopment Plan Area

The subject site is located within the Redevelopment Plan Area, so designated in 1986. Within the Redevelopment Plan Area, the subject property has a Commercial designation. This general designation does not place additional development standards on the site above those contained in the Downtown Centennial Plan, but it renders the site eligible for a variety of funding opportunities for activities that promote the modern, orderly development of the area.

INTERAGENCY ISSUES

There are no pertinent interagency issues.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Hotel	98 Guest Rooms	1 Space / Guest Room	98			
Massage Establishment	1 Massage Table	2 Spaces per Table, Chair, or Room with a minimum of 6 required	6			
Sub-Total			104	4	120	8
TOTAL			104		120	

While the subject site's inclusion in the Downtown Centennial Plan area means that parking standards are not automatically applicable, the subject site meets, and exceeds, current Title 19.10 standards for parking citywide.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Massage Establishment	400 Feet from a church, synagogue, school, city park, child care facility, or parcel zoned for residential use	0 Feet
	1,000 Feet from any other massage establishment	1,800 Feet

The subject proposal is located immediately adjacent to property zoned residential. As such, the applicant is seeking a waiver of the requirement that the use be located at least 400 feet from property zoned as such.

B) General Analysis and Discussion

- Zoning**

The proposed Massage Establishment is permitted with a Special Use Permit in a C-1 (Limited Commercial) and a C-2 (Service Commercial) zone. However, one of the standard conditions states that properties used for a Massage Establishment may not be located within four hundred feet of a residential property. This site violates this condition as it is immediately adjacent to property zoned for residential.

- Use

As it will be located within an existing business and will not require additional construction or parking in excess of the amount required, it will be compatible with the existing use on the site. The use will be of minimal impact and intensity as most clients will already be patrons of the hotel when they partake of the services provided by the Massage Establishment. However, the configuration of the massage area (one room with no interior changing facility) and awkward access to it make it incompatible on the site. Furthermore, the massage office is not located in the same area with other spa activities as they are contained in a separate building on the site.

- Conditions

The subject proposal meets all of the standard conditions for Massage Establishment except the distance separation requirement from properties zoned residential.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is not incompatible with surrounding land uses but is not ideally located on the subject site.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is capable of accommodating a massage use. However, adequate accommodations are not provided for the use as the room designated for massage is not easily accessed by guests and no internal changing area is provided. Furthermore, it is not located within the spa area on the site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is served by Las Vegas Boulevard (a 100-foot primary arterial). This street is capable of accommodating any increase in traffic flow from the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposal does not meet the overall objectives of the General Plan in that it does not provide adequate accommodation for the performance of massage services at the subject site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 260 by City Clerk

APPROVALS 0

PROTESTS 0